H. II-27—30,006—26-11-81.

Rev. (1932) Department.

M SERIES.

G.O. No. 2386

DATED 29-11-82

[Despatch Abstract.]

Subj. South Kanara - Mangalore

Sub-Court. O.S. 57/1926 -

Escheat Property - Costs and ~~the State's~~ Profits - Irrecoverable arrears - Write off - Sanctioned

REVENUE **DEPARTMENT.**

GOVERNMENT NO. 5620B

Received 3 NOV 1932 19 *Registered* 3.11.32 19

Subject.

Suits (South Kanara) Mangalore sub court- O.S.59/24- Rudrayya's escheat property- costs and mesne profits- irrecoverable arrears- write off.

ENCLOSURES.

No.

Spare copies

REVENUE NO. A. 5602/32-1.

Station Madras. *Dated the* 31st October 32. 19

From

A.R.MacEwen Esq.,M.C.,I.C.S.,
Secretary,
~~The~~ Board of Revenue, Land Revenue and ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue~~

The Hon.Mr. C.B.Cotterell, C.I.E.,I.C.S., Commr.of Land Rev

~~Resolution~~
~~Reference.~~

Read the following paper:-

Letter from Khan Bahadur J. Hussain, Bar-at-law, Collector South Kanara,. Ref. A.3-No.4677-21 dated 17th Octr.1932.

Refce:- G.O. Mis. No.900 Revenue dated 12-5-27 and
B.P. Mis. No.1336 dated 18-5-27.

I enclose a statement showing the amounts of costs warded to and mesne profits decreed in favour of Government, hich are now found to be irrecoverable and recommend that the oard may be pleased to write off the amounts together with interests thereon as irrecoverable.

Reference.

Submitted to the Government.

2. The Board recommends the Collector's proposal to write off as irrecoverable the sum of Rs.4353-8-1 (Rs.Four thousand three hundred and fifty three, annas eight and pie one only) and interest on it.

for Secretary.

To the Secretary to the Government, Revenue Dept.

J.G./1.11.

30/nov 2111.

Statement showing the amounts of Costs awarded to
the Escheat Suit O.S. No. 57/1924 on the file of the
off the accounts o

No. and name of the defendant	Amount recommended to be written off.						Amount recommended to be paid to Government		
	Past mesne profits as per decree			Subsequent mesne profits till the date of delivery of possession of lands.			Costs awarded to Government less costs payable by Government		
	2			3			4		
	Rs	a	p	Rs	a	p	Rs	a	p
1. Appundaru - Srirama Upparna	87	6	1	92	13	9	5-		6
2nd. - do - Subbanna (otherwise known as Subraya Nowrithaya)	464	5	4	368	5	4			
2nd. - do - Subbanna (- do - 13th defendant Appu Gowda and 14th defendant Yelli amma Gowda	51	5-	3	422	2	8	84	6	9
2nd. - do - Subbanna and defendant Venkappa Gowda	217	9	6	178	8				
2nd. - do - Subbanna, 42nd defendant Shesha Gowda and 43rd defendant Mainda Gowda	217	9	6	178	8				
3rd. - do - Laxmi	207	15	9	170			11	12	
5th defendant Subraya, 6th defendant Nujila Kunha, 7th defendant Manjappa, 8th defendant Bora and 9th defendant Mahalinga	204	7	11						

mesne profits decreed in favour of Government in the Sub Court, Mangalore recommended to be written irrecoverable.
written

Total amount due to Govern-ment	Remarks.
Rs As P	
83 4 4	This defendant is reported to possess neither movable nor immovable property. Mr. Gavone therefore decided in 1927 not to take execution. The amount cannot be recovered.
	Costs due to Government Rs 100. 6. 9 less Costs payable to the defendants by Government Rs 16. 0. 0. Net = Rs 84. 6. 9
46 10 1	Inspite of three execution petitions filed the amounts could not be recovered. The properties attached are reported to be highly encumbered and some of them are also said to be lying fallow. Hence the efforts made to get bid proved futile. The amount cannot.
39 11 9	This defendant is reported to possess no movable or immovable property. Mr. Gavone decided in 1927 that no execution need be taken. The amount is irrecoverable.
24 7 11	The actual amounts decreed against these defendants are as follows:- (1) Past mesne profits 206 0 1 (2) Subsequent mesne profits till delivery of property 170 0 0 (3) Costs awarded to Government 17. 3. 10 Total 393. 9. 11
	after two executions were taken Rs 178. 2. 0 were collected. A third execution was therefore taken, but for no useful purpose. It was dismissed as there were no movables also for attachment. An amount of Rs 11/- is payable by Government to defendants 5th for costs. After deducting this amount as well as the

34th. defendant. Seth Abbama	139	2	7	109	15	7	

37th. defendant Thipfamma and 28th. defendant	372	12	6	305	7	4	

2426	8	2	1825	12	8	101	3	3

recovered, the net amount now due to Government comes to Rs 204.7.11 which is irrecovable.

29	2	2	The actual amounts decreed against the defendant are as follows (1) Past mesne profits ..... 139.2.7 (2) Subsequent mesne profits till delivery of possession ..... 117.9.4 3) Costs awarded to Government ..... 12.14.5 Total 269.10.4 An amount of Rs 20.8.2 is payable by Government to this defendant for his costs. After setting off this amount towards item (3) and part of item (2) above, net amount due to Government comes to Rs 244.2 which is irrecovable the defendant being dead and possessions cannot be attached
28	3	10	An amount of Rs 261- was payable by Government to defendant 38 for costs. Of this Rs 5.7.4 have been adjusted towards costs due to Government and the balance of 0.8.8 towards subsequent mesne profits of Rs 306/- and the net amount due alone shown in Column 3. The defendants have neither movable nor immovable property. The amount is therefore irrecovable

Dist. (South Kanara) Mangalore Dt.

C.S. No. 59, 24 E - Rudrayya's escheat property

Costs & Mesne profits - Irrecoverable arena

write off

Rep. A.3502/32 - 10-32

To Asst. Secy

Please see Board's letter in this file for orders which the Board's recommendation may be accepted.

A draft order is submitted for approval. It may be sent to Finance for acceptance before issue.

5/11/32

With reference to the orders at para 13 of (B) - work out the net financial gain (or loss) to Govt in this case (including the present proposal to write off Rs 4353-8-1)

7.11.32

To Asst. Secy

According to the Statement at p. 13 of G.O. this No. 900 Rev dt. 12.5.1927 the net gain to Govt in cash expected as a result of the decree was Rs. 1717-12-6

excluding future mesne profits and interest. The present Statement shows that a sum of Rs 2426-8-2 due as past mesne profits and a sum of Rs 101-3-3 due as net costs (or a total of Rs 2527-11-5) cannot be recovered The result is a net loss in cash of Rs 2527-11-5 minus 17.17-12-6 or Rs 8.09-14-11. This however does not take into account the value of the property decreed to Govt and future mesne profits and interests from ~~mesne~~ date of decree up to date of possession on properties not included in the Statement at pp.3-5-cf.

Vide p. 19 of Rev at (E) of the Schedules at pp. 3-5 of

DD
10/11/32

Draft may be sent & Fin

DD
10.11.32

for acceptance

Dy
11-11-32

ANT SECRETARY TO GOVERNMENT
14 NOV 1932
REVENUE DEPT FIJI

Rev. n.o. 3620 B)

Finance (Accts)

Submitted that the draft order may be accepted

12 NOV 1932
FINANCE OFFICE

Rev. 3965
24.11.32

35316 accepted
27.12.32 Accts